

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

ROBBIE PICKETT EVANS, and)
GEORGE R. BOOTH)
)
Plaintiffs,) Case No. 1:12-cv-202
v.)
)
PROFESSIONAL TRANSPORTATION,)
INC.,)
)
Defendant.)
)

ORDER

On April 23, 2014, United States Magistrate Judge William B. Carter filed his Report and Recommendation (Doc. 44) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(a). Magistrate Judge Carter found that Defendant's "Motion for Leave to File Amended Answer, for Leave to File Dispositive Motion, and to Stay" (Doc. 31) was not filed in good faith, and recommended that Defendant's request for leave to amend accordingly be denied (Doc. 44).

Defendant has filed no objections to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has reviewed the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Carter's well-reasoned conclusions. Because the Court agrees with Magistrate Judge Carter's conclusion that Defendant's request for leave to file an amended answer should be

¹ Magistrate Judge Carter specifically advised Defendant that it had 14 days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. (Doc. 44 at 15 n.4); *see Fed. R. Civ. P. 72(b)(2); see also Thomas v. Arn, 474 U.S. 140, 148-51 (1985)* (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings"). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Defendant could timely file objections has now expired.

denied, Defendant's request to file an untimely dispositive motion based on new affirmative defenses and/or the doctrine of res judicata must also be denied.

Accordingly,

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b);
- Defendant's Motion for Leave to File Amended Answer, for Leave to File Dispositive Motion, and to Stay (Doc. 31) is hereby **DENIED**.
- As noted in the Court's April 10, 2014 Order (Doc. 43), the Court will reset this matter for a bench trial, if necessary, after the resolution of Defendant's pending Motion for Summary Judgment (Doc. 22).

SO ORDERED this 13th day of May, 2014.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE